

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

QJ TEAM, LLC, AND FIVE POINTS )  
HOLDINGS, LLC, individually, and on behalf )  
of all others similarly situated, )

Plaintiffs, )

v. )

TEXAS ASSOCIATION OF REALTORS, )  
INC., et al., )

Defendants. )

Case No. 4:23-cv-01013-SDJ  
(Consolidated with 4:23-cv-01104-SDJ)

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**DEFENDANT J.P. PICCININI REAL ESTATE SERVICES, LLC’S  
MOTION TO DISMISS THE CONSOLIDATED AMENDED COMPLAINT PURSUANT  
TO FED. R. CIV. P. RULE 12(b)(6)**

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Defendant J.P. Piccinini Real Estate Services, LLC a/k/a Cairn Real Estate (“JPAR”) moves the Court for an order dismissing the Consolidated Amended Complaint in this matter with prejudice. Fed. R. Civ. P. 12(b)(6). The grounds for this motion are that:

1. The Consolidated Amended Complaint fails to allege facts sufficient that, if proved, show JPAR joined the conspiracy or furthered an anti-competitive conspiracy.
2. The Consolidated Amended Complaint relies solely upon membership in a trade association and compliance with its rules as a basis for JPAR’s antitrust liability and thus fails to state a claim.
3. The Consolidated Amended Complaint does not allege facts sufficient that, if proved, establish a horizontal conspiracy among real estate brokers.

4. The sole alleged illegal action resulting from the alleged conspiracy (the NAR MLS Compensation Rule) does not require a specific price or percentage a listing broker must offer to a buyer's broker in a concrete or ascertainable term and, therefore, cannot support a claim of price fixing.

5. The allegations of the Consolidated Amended Complaint do not support a per se rule violation nor a rule-of-reason antitrust violation.

This motion is supported by the allegations of the Consolidated Amended Complaint, the documents referenced in the Consolidated Amended Complaint, the applicable law, and the memorandum of authorities in support of this motion simultaneously filed and served.

Respectfully submitted,

By: /s/Marcus Angelo Manos

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***ATTORNEYS FOR DEFENDANT J.P. PICCININI  
REAL ESTATE SERVICES, LLC (A/K/A JPAR REAL ESTATE)***

October 11, 2024

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been served upon all counsel of record below via the Court's electronic filing system on October 11, 2024.

/s/ Marcus Angelo Manos

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